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TAGS: [PGOV](#) [BN](#)  
SUBJECT: PRESIDENT YAYI LAUNCHES CONSTITUTIONAL REVIEW

¶1. (U) SUMMARY. President Yayi tasked, on February 20, 2008, a committee of experts to review Benin's constitution and propose changes. The president gave the committee six months to come up with concrete proposals that would be submitted to the National Assembly for approval before being subject to a public referendum. Though the need for change is accepted by Beninese constitutional specialists, it may be difficult for President Yayi to achieve consensus around proposed amendments. END SUMMARY

¶2. (U) On February 20, President Yayi set up a technical committee composed of constitutional specialists to examine the Beninese constitution, originally adapted in December 1990, and propose amendments. Yayi gave the committee six months to complete its work. This phase will be followed by a national workshop to examine the proposals. Following the national workshop, the proposals will be submitted for the approval of all political parties. Following this approval, a national referendum will be held to give final approval to the amendments.

¶3. (U) In justifying this initiative, President Yayi stated that after 17 years of use, the current constitution has shown its weaknesses and needs to be modified to meet the realities of today's Benin. While not offering any specific proposals for changes to the constitution, President Yayi urged the Beninese people to not regard their constitution as sacred. He did state it was his "wish" to leave untouched the articles of the constitution which pertain to presidential term limits.

¶4. (U) Prior attempts to modify Benin's current constitution have not gone well. At the end of his term, former president Kerekou tried to amend Article 42 of the constitution to retain power. Deputies in the National Assembly also have engaged in efforts to extend their mandate by amending Article 80 of the constitution. These attempts to amend the constitution failed when they met public disapproval. It is worth noting that Benin takes changing its current constitution seriously. It has not amended the constitution for the past 17 years after adopting 10 different constitutions between 1959 and 1990 as governments changed with coups d'etat and other political upheavals.

5.(SBU) COMMENT: President Yayi's effort to revise the constitution, and make it relevant to Benin's current economic and political situation, is understood by the general public. While Yayi has not proposed specific changes, constitutional experts have cited the necessity of remaking the National Independent Electoral Commission (CENA) with a constitutionally defined role and fixed terms for its members as a possible change, as well as clarifying the relationships of the different branches of government. Given the complicated political situation prevailing as municipal elections approach and tensions rise in the National Assembly; it may be difficult for President Yayi to achieve consensus around any

proposed amendments. END COMMENT.

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